IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 13948 of 2004

Between:

1. Budde Venkatesham S/o late Balaraju
r/o 4-5-93, Jawahar Road Nizamabad.
2. Budde Sridhar S/O Budde Venkatesham
R/o 4-5-93, Jawahar Road Nizamabad.

..... PETITIONERS

AND

1. Mandal Revenue Officer, Nizamabad,
At Nizamabad District.
2. Joint Collector, Collectorate, Nizamabad,
At Nizamabad District.
3. Bobbili Pedda Narasaiah S/o Late Bobbili Chinnaiah
R/o 2-12-113 Bobbili Veedhi Nizamabad
4. Bobbili Chinna Nanarasaiah S/o Late Bobbili Chinnaiah
R/o 2-12-113 Bobbili Veedhi Nizamabad
5. Smt K. Shobha, W/o K. Rajaiah
R/o 5-5-26, Khalilwadi, Nizamabad
6. K. Sujatha W/o K. Prabhaker
R/o 5-5-26, Khalilwadi, Nizamabad
7. K. Padmavathi W/o K. Krishna
R/o 5-5-26, Khalilwadi, Nizamabad
8. K. Sudershan S/ late Yellaiah
R/o 5-5-26, Khalilwadi, Nizamabad

9. K. Vanaja W/o K. Sudershan
R/o 5-5-26, Khalilwadi, Nizamabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction; particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondent No.1 in not implementing the orders of the 2nd respondent dt 6-5-2004 in revision Case No. D2/13/2003, in its totality by not incorporating/restoring the name of the original Pattedar S. Raji Reddy in Pattedari column of Pahanies in respect of the subject lands admeasuring Ac. 2-29 gts. in Sy. No. 209 Ac. 0-11 gts. in Sy. No. 210 and Ac. 1-06 gts. in Sy. No. 211 totally admeasuring Ac. 4-06 gts., situated at Nizamabad village, Mandal, and District , as illegal, arbitrary, and consequently direct the respondents No.1 to incorporate the name of the original pattedar S. Raji Reddy against the Subject lands stated supra by deleting the names of the respondents No.3 to 9 by cancelling the pattedari pass books and title deeds, if any, issued in their favour in respect of the subject lands referred supra in the interest of justice.

Counsel for the Petitioners : MR.B.VENKAT RAMA RAO.

Counsel for the Respondents No.1 & 2: GP FOR REVENUE

Counsel for the Respondents Nos.3 to 9 : ----

The Court at the stage of admission made the following :

ORDER:

On the revision filed by the petitioners, the Joint Collector by his order Dt.6.5.2004 set aside the mutation which was granted in favour of respondents 3,4, and 8 with a direction to the revenue authorities to incorporate the name of the original pattedar in the revenue records, and since there is a civil suit filed for declaration of title and for perpetual injunction, the parties were advised to wait for the order of Civil Court and then approach the revenue authorities for appropriate relief after the civil suit is decided.

2. Complaining non-implementation of the order passed by the Joint Collector, the petitioners filed W.P.No.10160 of 2004 which was disposed of by this court on 5.7.2004, in view of the statement made by the Government pleader that the Mandal Revenue Officer has already implemented the order of the Joint Collector by incorporating the name of the original pattedar in Form I in the current year pahani on 14.6.2004.

3. Curiously, the present writ petition is filed by the petitioners complaining inaction on the part of the Mandal Revenue Officer in not implementing the orders of the Joint Collector in its totality and not anceling the pattedar pass books and title deed books issued in favour of the respondents 5,6,7 and 9 who are not parties to the Revision case filed before the Joint Collector and now the petitioners seek an order to set aside the pattedar passbooks, if any, issued in their favour.

4. Petitioners, if aggrieved by the dismissal of the earlier writ petition, ought to have filed an appeal alleging that the order in its totality has not been implemented. Without resorting to such remedy again filing the writ petition is nothing but vexatious, which cannot be entertained.

5. The writ petition is accordingly dismissed with exemplary costs of Rs.1,000/- (Rupees one thousand only) which shall be paid to the High Court Legal Services Authority, Hyderabad within a period of four weeks from today. If the said costs is not paid , it is open for the High Court Legal Services Authority to recover the same as per law.

12-08-2004

sh/murthy

Memo of costs annexed herewith.

To

1. Mandal Revenue Officer, Nizamabad,
At Nizamabad District.

2. Joint Collector, Collectorate, Nizamabad,
At Nizamabad District.

3. The member Secretary for State Legal Services Authority, High Court Buildings, High Court of A.P., Hyderabad.

4. 2CCs to G.P. FOR REVENUE, HIGH COURT BUILDINGS,HYDERABAD (OUT).

5.2CD copies

THE HON'BLE MR.JUSTICE A.GOPAL REDDY

WRIT PETITION NO.13948 OF 2004

DATED: 12-08-2004